

## CONFUSED? We want to help!

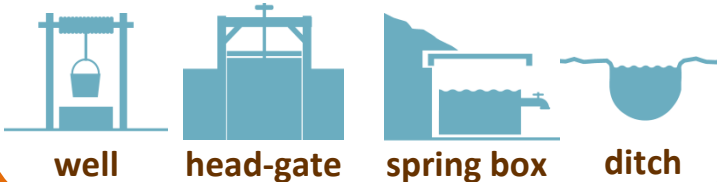
### Why am I receiving a summons?!

The summons is part of a legal process required by law called a “water rights adjudication” or “general adjudication.” The adjudication process is geared towards individuals who wish to claim a water right. The Division of Water Rights sends these notices and summons to property owners in the general area because they are the group most likely to have valid claims that the State Engineer is unaware of and to ensure that everyone has an opportunity to participate if they wish.



### What is a water right?

A water right is different than a connection to the local municipal water supply. People who have water rights are generally very aware of them because they are actively diverting water from a natural source using some type of physical structure such as a well, head-gate, spring box, or ditch.



well

head-gate

spring box

ditch

### What is a water rights adjudication?

A water rights adjudication is a legal process that is used to identify historical and existing water rights in a specific area and document their uses.

### What is my obligation?

Generally speaking, if you think you have a water right, you should participate and file a claim when provided notice to do so; otherwise, you may simply disregard this notice. Individuals who are uncertain as to whether or not they should be participating should contact the Division of Water Rights.

### What will happen next?

The Division of Water Rights will be holding a public meeting as shown in the attached notice. We encourage you to attend. Following the public meeting, the Division of Water Rights will send a notice indicating that the 90-day claim filing period has begun and instructions on how and where to file a claim.



### How Can I find out more information?

**Website:** [www.waterrights.utah.gov/adjudinfo](http://www.waterrights.utah.gov/adjudinfo)

**Phone:** 801-538-5282

**Email:** [waterrights\\_adjudication@utah.gov](mailto:waterrights_adjudication@utah.gov)

**Address:** 1594 W. North Temple, Salt Lake City, UT 84116



**STILL CONFUSED? Take a moment to watch this brief video:**

[www.waterrights.utah.gov/adjudinfo](http://www.waterrights.utah.gov/adjudinfo)







GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

KENT L. JONES  
State Engineer/Division Director

August 31, 2018

Dear Water User(s),

The State Engineer (Division of Water Rights) has commenced the adjudication of the Big Cottonwood Creek Subdivision (Area 57, Book 18) of the Salt Lake County East Division within the Utah Lake – Jordan River General Adjudication. Water rights general adjudications are large-scale civil actions in the local district court to investigate, define, and ultimately settle all claims to water rights within a specific area. A water right is generally associated with the use of water from a well, spring, or stream and **does not include a water service connection to the local municipality**. If you want to assert or maintain a water right in the Big Cottonwood Creek Subdivision, you must participate in the general water rights adjudication; however, **typically less than 5% of the individuals who receive this notice will have a valid claim that requires participation**.

A search of our records indicates that you may be an owner (or owner's agent/legal counsel) of property or a water right within the boundary of the Big Cottonwood Creek Subdivision which primarily consists of the natural hydrologic drainage of Big Cottonwood Creek and a portion of Salt Lake Valley bounded on the south by Bengal Boulevard, on the west by the Van Winkle Expressway, and on the north by Murray-Holladay Road and Walker Lane (see Figure 1).

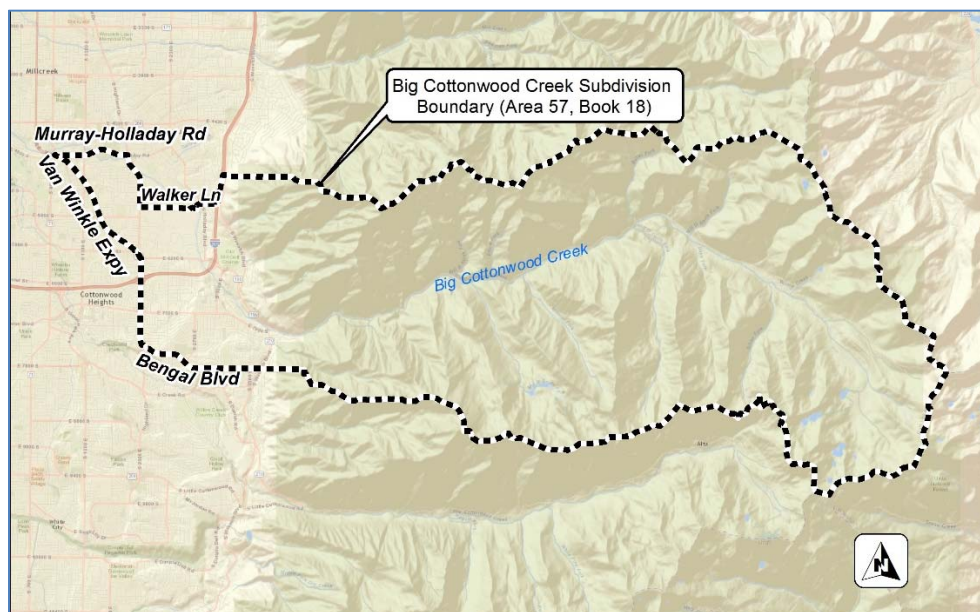


Figure 1: Big Cottonwood Creek Subdivision (57-18) Boundary



August 31, 2018

Re: Big Cottonwood Creek Subdivision Adjudication (Area 57, Book 18)

Enclosed is a statutory summons required by Utah Code § 73-4-4 and an order from the Court allowing service of this summons by regular mail. This summons brings recipients under the jurisdiction of the Third Judicial District in and for Salt Lake County, Utah, and makes you a party to the general adjudication action; however, it is unlike a summons you may receive in the course of traditional litigation where immediate response is mandatory. In this case, you will need to respond at a future date—of which you will be notified—if you want to claim a water right. Otherwise, simply not participating expresses your lack of interest in making any claim(s) to a water right. Later in the process, you will receive instructions on how and when to file your claim(s).

The State Engineer will be holding a **public meeting on September 12, 2018, in room 1050 of the Department of Natural Resources building located at 1594 W North Temple, Salt Lake City, Utah from 6:00 p.m. to 7:00 p.m.** to meet with water users and discuss the adjudication process. You can view the live stream broadcast of the public meeting on-line at the following link:

<http://www.waterrights.utah.gov/watchlive>

Subsequent to the public meeting, the State Engineer will send notice to you and others in the area to submit claims to any water rights. Instructions on how and when to file claim(s) will be included with the notice at that time.

**If you have no claim to a valid water right, you are not obligated to take further action and may disregard the notice.**

Additional information about the water rights adjudication process can be found on the Division of Water Rights' website: <http://www.waterrights.utah.gov/adjdinfo>. However, if you have unanswered questions regarding the adjudication process or your water rights within this area; please contact the Division of Water Rights at (801) 538-5282.

Sincerely,

A handwritten signature in black ink, appearing to read 'Blake W. Bingham', with a long horizontal flourish extending to the right.

Blake W. Bingham, P.E.

Assistant State Engineer - Adjudication

Enclosures

1. Summons
2. Court Order

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**IN THE THIRD JUDICIAL DISTRICT COURT  
SALT LAKE COUNTY, STATE OF UTAH**

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IN THE MATTER OF THE GENERAL  
DETERMINATION OF ALL THE RIGHTS  
TO THE USE OF WATER, BOTH  
SURFACE AND UNDERGROUND,  
WITHIN THE DRAINAGE AREA OF THE  
UTAH LAKE AND JORDAN RIVER IN  
UTAH, SALT LAKE, DAVIS, SUMMIT,  
WASATCH, SANPETE, AND JUAB  
COUNTIES, IN UTAH.

**SALT LAKE COUNTY EAST DIVISION  
BIG COTTONWOOD CREEK  
SUBDIVISION  
AREA 57, BOOK 18**

**SUMMONS**

Judge Laura Scott

Civil No. 365729835 (57-18)

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR THE  
COUNTY OF SALT LAKE, STATE OF UTAH, IN THE MATTER OF THE GENERAL  
ADJUDICATION OF WATER RIGHTS, SALT LAKE COUNTY EAST DIVISION,  
BIG COTTONWOOD CREEK SUBDIVISION.

**SUMMONS**

The State of Utah to the said defendant:

You are hereby summoned in the above entitled action which is brought for the purpose of making a general determination of the water rights of the described water source. Upon the service of this summons upon you, you will thereafter be subject to the jurisdiction of the entitled court and, if you have or intend to claim a water right, it shall be your duty to follow further proceedings in the above entitled action and to defend and protect your water rights therein. The state engineer will give a further notice sent to your last-known address, that you must file a statement of claim in this action setting forth the nature of your claim, and said notice will specify the date upon which your statement of claim is due and thereafter you must file said claim within the time set and your failure so to do will constitute a default in the premises and a judgment may be entered against you declaring that you have no right to the use of water not claimed.

Dated this 31st day of August 2018.

SEAN D. REYES  
UTAH ATTORNEY GENERAL

/s/ Benjamin J. Jensen  
BENJAMIN J. JENSEN  
SARAH M. SHECHTER  
MELISSA L. REYNOLDS  
Assistant Attorneys General  
Attorneys for the Utah State Engineer  
1594 West North Temple, Suite 300  
Salt Lake City, Utah 84116

The Order of the Court is stated below:

Dated: June 10, 2016  
10:21:58 AM

/s/ LAURA SCOTT  
District Court Judge



**ORDER PREPARED BY:**

SARAH M. SHECHTER, No. 15357  
MICHAEL M. QUEALY, No. 2667  
BENJAMIN J. JENSEN, No. 14216  
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*Attorneys for the Utah State Engineer*

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**IN THE THIRD JUDICIAL DISTRICT COURT  
SALT LAKE COUNTY, STATE OF UTAH**

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IN THE MATTER OF THE GENERAL  
DETERMINATION OF ALL THE RIGHTS  
TO THE USE OF WATER, BOTH SURFACE  
AND UNDERGROUND, WITHIN THE  
DRAINAGE AREA OF THE UTAH LAKE  
AND JORDAN RIVER IN UTAH, SALT  
LAKE, DAVIS, SUMMIT, WASATCH,  
SANPETE, AND JUAB COUNTIES, IN  
UTAH.

**SALT LAKE COUNTY EAST DIVISION,  
AREA 57**

**ORDER GRANTING THE STATE  
ENGINEER'S EX PARTE MOTION FOR  
ALTERNATIVE SERVICE OF  
SUMMONS BY REGULAR MAIL AND  
PUBLICATION**

Judge Laura Scott

Civil No. 360057298

This matter came before the Court on the Ex Parte Motion for Alternative Service of Summons by

Regular Mail and Publication in the Salt Lake County East Division, Area 57 of the Utah Lake and Jordan River General Adjudication, filed by the State Engineer.

Having reviewed and considered the Motion and the Memorandum in Support, the Court GRANTS the Motion and ORDERS as follows:

1. Alternative service of the general summons by regular mail without a document indicating receipt is reasonably calculated under the circumstances to apprise claimants of record of the Salt Lake County East Division, Area 57 of the Utah Lake and Jordan River General Adjudication.
2. Service of the general summons by publication is appropriate in the Salt Lake County East Division of the Utah Lake and Jordan River General Adjudication.
3. The State Engineer shall be responsible for publishing the initial summons for five (5) consecutive weeks in *The Deseret News* and *the Salt Lake Tribune* pursuant to Utah Code § 73-4-4.
4. Pursuant to Utah Code § 73-4-4, the language of the initial summons shall be sent and published substantially in the following form, filling in the appropriate subdivision in the title of the Summons:



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR  
THE COUNTY OF SALT LAKE, STATE OF UTAH, IN THE MATTER OF THE  
GENERAL ADJUDICATION OF WATER RIGHTS, SALT LAKE COUNTY  
EAST DIVISION, \_\_\_\_\_ SUBDIVISION.

**SUMMONS**

The State of Utah to the said defendant:

You are hereby summoned to appear and defend the above entitled action which is brought for the purpose of making a general determination of the water rights of the described water source. Upon the service of this summons upon you, you will thereafter be subject to the jurisdiction of the entitled court and it shall be your duty to follow further proceedings in the above entitled action and to protect your rights therein. The state engineer will give a further written notice sent to your last-known address that you must file a statement of claim in this action setting forth the nature of your claim, and said notice will specify the date upon which your statement of claim is due. Thereafter you must file said claim within the time set and your failure so to do will constitute a default in the premises and a judgment may be entered against you declaring that you have no right to the use of water not claimed.

**\*\*\*\*\*END OF ORDER\*\*\*\*\***

In accordance with the Utah State District Court eFiling standards No 4, and URCP 10(e), this Order does not bear the handwritten signature of the Judge, but instead displays an electronic signature at the upper-righthand corner of the first page of this Order along with the court's seal and the date and time the Order was executed.